

## Justification for Region 5 Limiting Scope of Eligible Entities for Region 5 Tribal Radon Grant Competitions

The funding being set aside for this competition under CFDA 66.032 uses the Toxics Substances Control Act Sections 10(a) and 306 as funding authorities. The Section 10(a) section is based on the Indian Radon Pilot Project Act (IRPPA), while the Section 306 authority is based on the Indoor Radon Abatement Act (IRAA). Under these authorities, the USEPA has been mandated to address the risks associated with radon exposures to eventually assure that indoor air exposures are no greater than outdoor ambient exposures. Under IRAA, Congress is able to provide up to \$10 million per year in grant funding to States to address the radon risk issue. Tribes were included in this opportunity through the passing of the IRPPA.

Tribes are autonomous governments that may set their own regulations as they pertain to their Tribal lands and/or members residing on these lands. With this being the case, the funding provided to cover the risks from radon that can be addressed by the Tribes on Tribal lands would require the approval of each Tribal Government for their respective Tribal lands. The funding set aside to be conducted on Region 5 Tribal lands, therefore, would have to be approved by the respective Tribal Governments. Since each Tribe already has in place organizations that address their environmental issues, it is not likely that they would choose an outside entity to address the risks from radon on their Tribal lands.

Therefore, Region 5 is requesting approval and/or concurrence from the Competition Advocate's Office to limit the Request for Assistance identified as EPAR5ARDRNFY06 to Region 5 Federally recognized Tribes only. This is consistent with the language in the applicant eligibility section for the CFDA which states that EPA may limit eligibility to compete to a subset of eligible entities. It is anticipated that the CFDA to be used for this competition will be revised in the future to more specifically address this type of eligibility limitation.